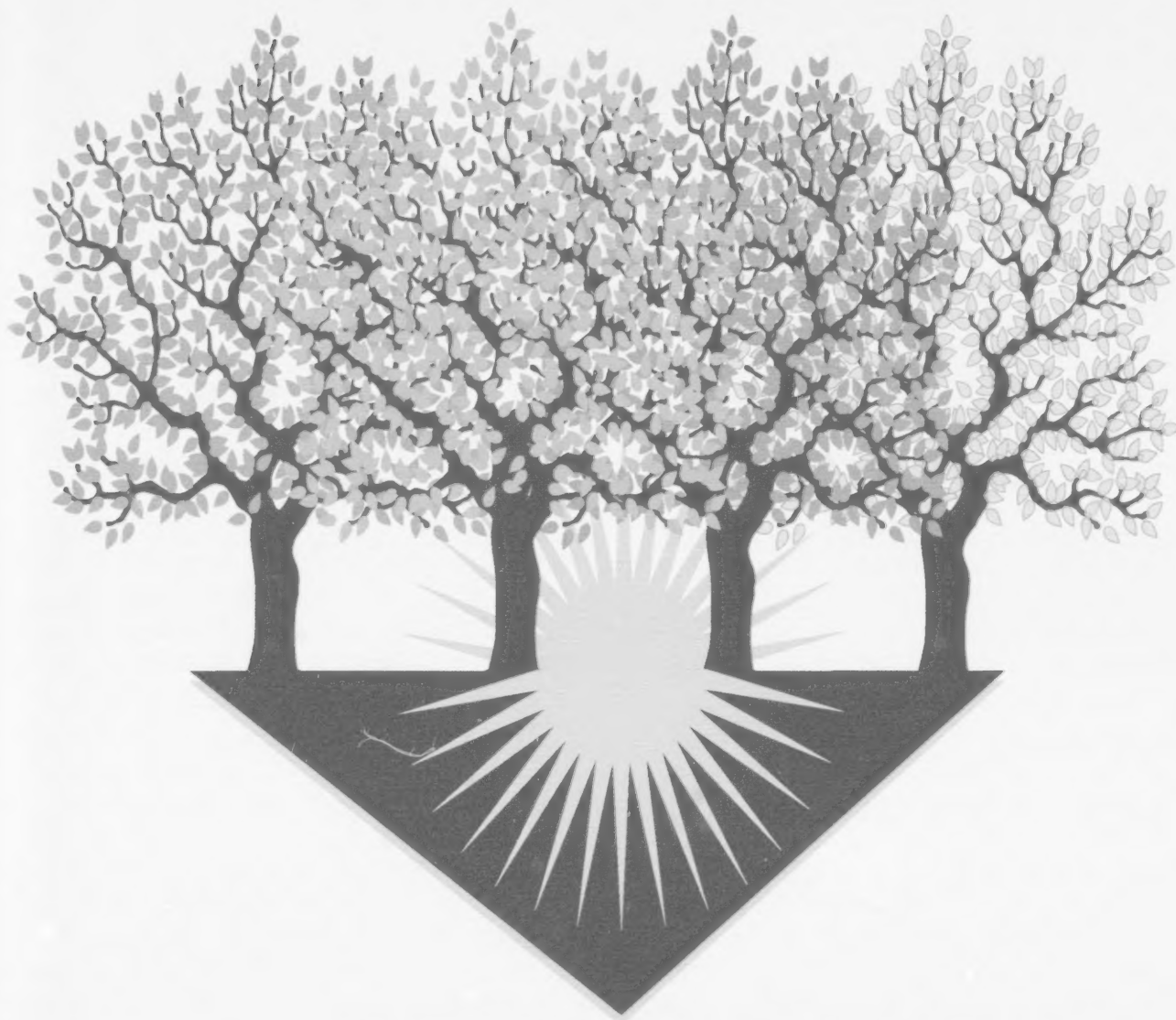


# Annual Report 2012/2013



Four Pillars - One Vision



SASKATCHEWAN  
**HUMAN RIGHTS**  
COMMISSION

56

Saskatchewan Human Rights Commission

## Letter of Transmittal

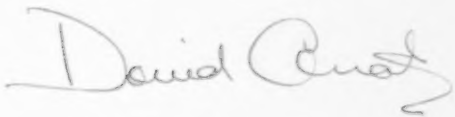
The Honourable Gordon Wyant, Q.C.  
Minister of Justice  
Legislative Building  
Regina, Saskatchewan

Dear Minister Wyant,

It is my honour and privilege to submit the 2012-2013 annual report of the Saskatchewan Human Rights Commission as required by Section 49 of *The Saskatchewan Human Rights Code*.

This document highlights the successes of the Commission for the fiscal year beginning April 1, 2012 and concluding March 31, 2013.

Sincerely,



David M. Arnot  
Chief Commissioner

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**SASKATOON OFFICE:**

Suite 816, Sturdy Stone Building  
122-3rd Avenue North, Saskatoon, SK S7K 2H6

PHONE TOLL FREE  
306-933-5952 1-800-667-9249

FAX  
306-933-7863

**REGINA OFFICE:**

Suite 301, 1942 Hamilton Street  
Regina, SK S4P 2V5

PHONE TOLL FREE  
306-787-2530 1-800-667-9249

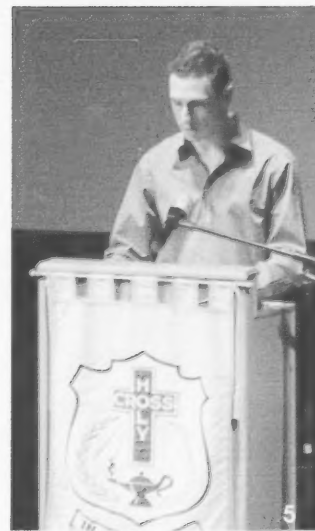
FAX  
306-787-0454

EMAIL  
shrc@gov.sk.ca

WEB  
saskatchewanhumanrights.ca

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## Message from the Chief Commissioner

3

Newcomers are coming to Saskatchewan from all over the world because of economic and social opportunities. Statistics indicate that last year over half of the growth in our population occurred because of immigration. We also know that people are going to stay here because of our welcoming communities. Our human rights legislation is set up to protect this diversity which is a benefit to our province.

When discrimination occurs, however, the Saskatchewan Human Rights Commission always seeks appropriate case resolution. Our focus on mediation and pre-complaint resolution is about finding cooperative ways to address real issues. Yes, litigation is a powerful tool, but it is no longer our only means of achieving redress. It is also not all about money. Sometimes money fixes a problem but, when money is the only focus, the underlying issues often remain while the need for owning up to our responsibilities continues.

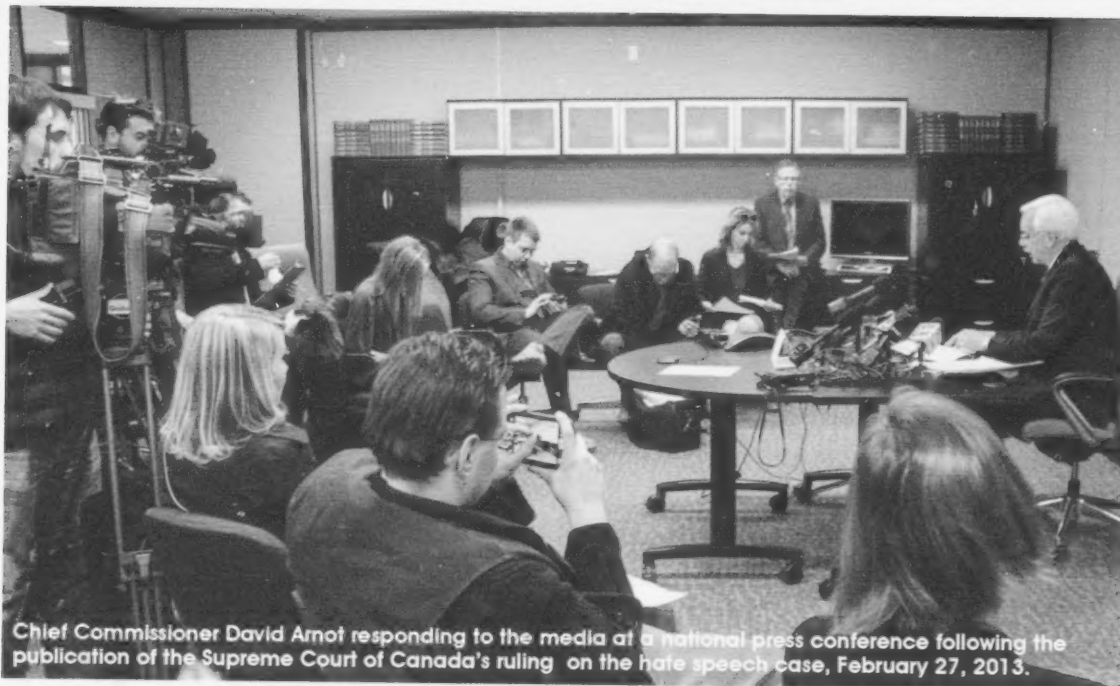
Our focus on the creation of citizenship education resource materials is about giving our students and youth a better understanding of the responsibilities they have to each other and the need for respectful interaction. In an important way, *The Saskatchewan Human Rights Code* is an anti-bullying and anti-harassment guide for students and all other people in our province.

More broadly, the *Code* is a strong statement by the Government of Saskatchewan that discrimination is not tolerated. The *Code* is also a proactive tool for individuals, organizations, and employers. It protects everyone and, in doing so, benefits all our communities.

With the tools provided by the 2011 changes to legislation, the SHRC is fully committed to innovative and proactive means to discourage discrimination. The significantly increased use of mediation, and systemic advocacy, represent a real change in how we do business. Mediation and systemic advocacy are, however, only two of the four pillars that define how we do our work. We believe that our four pillar approach will achieve our vision of being an exemplary model for human rights protection, promotion, and education in Canada. We are committed to achieving harmony in Saskatchewan and to the success of our province.

***The Saskatchewan  
Human Rights Code  
is an anti-bullying  
and anti-harassment  
guide.***

David M. Arnot  
Chief Commissioner



Chief Commissioner David Arnot responding to the media at a national press conference following the publication of the Supreme Court of Canada's ruling on the hate speech case, February 27, 2013.

## Pillar 1 - Litigation

The ability to litigate complaints of discrimination is been a defining feature of the Saskatchewan Human Rights Commission.

Pillar 1 is about fulfilling one of the long standing traditions of the Commission's legislated mandate. That mandate is to maintain an effective and efficient complaints processing system. The SHRC investigates when required and litigates when necessary. We take this gatekeeping role of provincial human rights complaints seriously.

By the time a Saskatchewan citizen's complaint is formalized, that individual will have relived the event that they feel has wronged them many times. They will also have to retell that event to commission intake staff, write that experience down, talk to investigators, and, when litigation is required, be prepared to testify in court about how they have experienced discrimination.

Although complainants are ultimately interested in results, and courts will give a definitive answer when required, the Commission does not engage in legal proceedings without first

attempting mediation. The pathway to finding appropriate resolution begins during the intake of a complaint (see the *Resolution Roadmap* on page 13). When mediation fails and investigation finds merit, however, the Court of Queen's Bench may be asked for a decision.

Since the adoption of this process in 2011, the SHRC sent only one complaint to the Court of Queen's Bench. The Commission received a decision on that complaint on June 6, 2012, in favour of the Commission's position. That decision was rendered less than three months after being heard by the court—a significant acceleration of the litigation process.

The most notable litigation-related accomplishment for the Commission this past year was the Supreme Court of Canada's decision to support Saskatchewan's hate speech legislation. This case is the subject of the *Focus on Hate Speech* section of this report (see pages 8 and 9).

This last year, the Commission was not required to pursue resolution through the Court of Queen's Bench. Instead, directed mediation was used to conclude matters before litigation was required. The following case summary illustrates the value of directed mediation as part of the Pillar 1 path.

#### ACCOMMODATING EMPLOYEES WITH DISABILITIES

Bob (not his real name) was a long time employee at a hotel in Saskatoon. When disability-related stress issues flared up, his doctor advised him to take a medically necessary leave.

Although his insurance provider denied any short term disability benefits, his doctor recommended he stay on leave. Unfortunately, the employer assumed that because benefits were denied, the leave was invalidated. When Bob didn't come back to work as requested by the employer, Bob was fired.

Section 16 of *The Saskatchewan Human Rights Code* states that:

"No employer shall refuse to employ or continue to employ or otherwise discriminate against an employee or class of persons with respect to employment, or any term of employment, on the basis of a prohibited ground."

Through directed mediation, both parties agreed to provide Bob with monies to compensate him for lost wages. In addition, the respondent agreed to pay monies for damages to dignity and self-respect.

In this case, directed mediation provided the appropriate resolution. Neither party was required to admit liability while, at the same time, they were both able to put this matter behind them.

It is important to note that in situations where monetary compensation and costs for damages to dignity and self-respect are awarded, these funds, generally, are not of a

substantial nature. Complainants are, in most situations, expected to mitigate financial impact related to job loss.

#### THE MOORE DECISION

The Saskatchewan Human Rights Commission also intervened in the *Moore v. British Columbia (Education)* case where the Supreme Court found that the closure of a special needs school in British Columbia for financial reasons discriminated against a student with dyslexia. In delivering the unanimous decision on November 9, the court agreed that the youth's education was adversely affected when compared to other students receiving public education.

In Saskatchewan, school systems are required to accommodate students with disabilities to the point of undue hardship. Undue hardship considers fiscal realities, possible disruption, safety, morale, and past efforts to accommodate. Providing accommodation for students with disabilities is a fact of life for school systems. The *Code* is clear: reasonable accommodation up to the point of undue hardship is necessary.

*Achieving  
academic  
potential is  
also good for a  
student's career  
path...*

The Supreme Court's decision recognizes that accommodating the needs of students with learning disabilities helps them to achieve their educational potential. Achieving academic potential is also good for a student's sense of self and for his/her future career path as well as the economic well-being of the province.

## Focus On Hate Speech

The Supreme Court of Canada has provided an objective test for hate speech that balances competing Charter rights.

On February 27 the Supreme Court of Canada sided with the Saskatchewan Human Rights Commission in finding that William Whatcott violated *The Saskatchewan Human Rights Code* by delivering hate-filled anti-gay messages in flyers. Canada's highest court also ruled that the flyers were found to be hateful and had the potential to harm individuals in the community.

The decision to litigate was not taken lightly. In fact, the Commission has litigated only five cases relating to the dissemination of hate in the last 34 years and considers prosecution a tool to be used sparingly and judiciously and only in the most extreme cases.

***The SHRC  
has litigated  
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The success of the *Saskatchewan (Human Rights Commission) v. Whatcott* appeal at the Supreme Court of Canada is the most valuable contribution the Saskatchewan Human Rights Commission has ever made to the promotion and protection of human rights and to Canadian jurisprudence.

### WHY DID THE DECISION CAUSE SO MUCH CONCERN?

Free and democratic societies protect the right of each citizen to speak freely according to his or her own beliefs – a basic human right that the Saskatchewan Human Rights Commission actively promotes, defends, and upholds.

But it is also the case that rights come with responsibilities and rights must be exercised in a way that does not diminish or compromise the rights of others to live free from harm, personal harassment, or discrimination.

Some of the confusion around the decision involves misunderstandings about the role of human rights commissions as well as about the outcomes of the decision.

In the case of public speech where expression has the real potential to escalate and expose a target group to hate, human rights commissions have a responsibility to act in accordance with legislation.

While the SRHC needs to fulfil its obligation to challenge hate speech, it must also fulfil its education mandate by explaining the consequences of this decision. In particular, the Commission wants to address misinformation about how this decision might limit free speech, and misinformation about how this will affect religious freedom.

The unanimous decision applies a very narrow, yet very necessary, fettering of free speech for extreme cases. This case outlined the clear indicators of hate speech with a stronger, clearer, and modified objective test to be applied.

## IDENTIFYING HATE SPEECH

At its core, the decision offers three main prescriptions that must be followed when making determinations of hate speech. First, courts must apply the hate speech prohibitions objectively.

Second, the legislative term "hatred" or "hatred and contempt" must be interpreted as being restricted to those extreme manifestations of the emotion described by the words "detestation" and "vilification." This filters out expression which, while repugnant and offensive, does not incite the level of abhorrence, delegitimization, and rejection that risks causing discrimination or other harmful effects.

Third, courts must focus their analysis on the effect of the expression at issue. Whether or not the author of the expression intended to incite hatred or discriminatory treatment is not relevant.

The new test builds on the test that was espoused in the Taylor case in 1990. The court further adopts the "Hallmarks of Hate" which include:

- Alleging the group is a powerful menace;
- Alleging the group are predators of the vulnerable, for instance, children;
- Alleging the group is a cause of social problems;
- Alleging the group is a danger for the community;
- Alleging the group is evil or devoid of redeeming qualities requiring the group to be banished or segregated to save the society from harm; and
- Dehumanizing the group through comparison to animals or to other nauseous substance.

In requiring a justifiable and narrow limit on the freedom of expression, when it has the potential to harm others in the community, underscores the reality that freedom of expression is not an absolute right. More than ever, our communities need expression that promotes harmony, promotes equality, and prevents discrimination.

Expecting a vulnerable group to respond to hate speech is ineffective because it is impossible to repair damage when the harm is already done. Hate speech erodes the ability of a target group to defend against discriminatory stereotypes by undermining the status of legitimate truthful commentators.

## FREEDOM OF RELIGION

The Supreme Court also considered the balance between the fundamental values underlying freedom of expression and freedom of religion in the context in which they are invoked. The balance involves competing charter rights and other values essential to a free and democratic society for instance:

- Commitment to equality;
- Respect for group identity; and
- Respect for the inherent dignity owed to all human beings.

Freedom of religious speech and the freedom to teach or share religious beliefs are unlimited, except by the discrete and narrow requirement that it is not to be conveyed through hate speech. Freedom of religion does not include the right to engage in hate speech. In short, the decision asserts the position that hate devalues human worth and dignity.

## LOOKING FORWARD

When people are vilified as blameworthy or undeserving, it is easier to discriminate against them by justifying the discriminating treatment. Hate speech seeks to delegitimize group members in the eyes of the majority and to reduce their social standing and acceptance in society. Hate speech always denies fundamental rights.

The unanimous decision made by the Supreme Court of Canada is strong, unequivocal, unambiguous, and unassailable: every human being deserves equal moral consideration. Indeed, it is one of the most precise and definitive judgments made by the Supreme Court of Canada. This case is also a decisive victory for human rights in Canada and a decisive victory for human rights commissions and the work and service they provide to Canadian society.

## Pillar 2 - Mediation

Mediation offers a more collaborative, often faster, and usually less confrontational approach to resolution.

The increased use of mediation to achieve complaint resolution represents a cultural shift for the Commission. In a human rights context, mediation has ties to a restorative justice approach.

Widely used in Aboriginal communities in Canada, Australia, and New Zealand, this approach to justice is based on restoring harmony and providing a way to maintain that harmony. Best-case outcomes include community building and mutual understanding. We are hopeful that mediation, conciliation, and collaboration are avenues that will allow us to avoid litigation.

### EMPLOYER EDUCATION MAKES A DIFFERENCE

Brenda (not her real name) is an apprentice in an auto body repair shop in Regina. When she told her employer that she was pregnant her employer supported a doctor's recommendation that she not be exposed to toxic paint and solvent fumes.

When she was ready to come back to work and restart her apprenticeship after having served as a receptionist, however, the employer told Brenda that they didn't want her to go back to that job. She was told by her employer that they liked the replacement better. Brenda's apprenticeship, and a better paying job were at risk.

#### *Code Analysis*

Denying Brenda the return to her apprenticeship was contrary to Section 16 of *The Saskatchewan Human Rights Code*. Section 16(1) of the *Code* states that:

"No employer shall refuse to employ or continue to employ or otherwise discriminate against any person or class of persons with respect to employment, or any term of employment, on the basis of a prohibited ground."



#### *Results*

Rather than litigate this issue, the Commission was able to mediate a positive outcome for both Brenda and the employer.

As part of the resolution, the Commission provided customized in-service education for the senior managers to give them a comprehensive understanding of the legislation, and other requirements related to maternity, to help them develop best practices related to maternity leaves. As for Brenda, she resumed her apprenticeship.

### MEDIATION HELPS STORE OWNER UNDERSTAND ABORIGINAL CUSTOMER'S CONCERNS

Near the end of summer last year, Barbara (not her real name) her sister, and their young children were spending the day at a provincial park. That evening, both families went together to a local convenience store to purchase a few confectionary items for their children.

When Barbara's nephew tried to open the door he was confronted by the owner who held the door closed. Meanwhile, other people were still allowed to enter and exit the store. Other patrons encouraged them to enter as the store was not yet closed. When they did enter, they were informed that the store was closed.

When Barbara asked about the individual cost of three confectionary items she was given two different, and increasing, prices. After a brief exchange, Barbara felt the store owner had discriminated against her and her family based on their Aboriginal ancestry. She also felt publicly humiliated and angry that her children had to go through this experience.

#### *Code Analysis*

The *Saskatchewan Human Rights Code* asserts that a business or business owner cannot deny access to publicly available services on the basis of race, colour and ancestry. Moreover, discrimination of this kind is contrary to Section 12 (1) of the *Code* which states that:

"No person, directly or indirectly, alone or with another, or by the interposition of another shall, on the basis of a prohibited ground:

- (a) deny to any person or class of persons the accommodation, services or facilities to which the public is customarily admitted or that are offered to the public; or
- (b) discriminate against any person or class of persons with respect to the accommodation, services or facilities to which the public is customarily admitted or that are offered to the public."

#### *Results*

The convenience store management readily agreed to mediation once they were provided with the substance of the complaint. A round table meeting was convened between the two mothers, their children, and the store owner.

During the mediation, the complainant offered her recollection of the August interaction. In response, the store owner acknowledged how his actions were received and that he had been frustrated by customers who would browse the store at closing time but never made purchases.

Once the store owner understood the impact of his actions, he offered an apology that was both welcomed and accepted by the two families. In turn, Barbara agreed that the issue had been resolved through the mediation process and that she was satisfied with the outcome.

### EQUAL ACCESS IN HOTELS

A national chain hotel decided it was in the best interests of Brad (not his real name), a visually impaired guest, to assign him to a first floor room, despite repeated requests to remain with colleagues on a different floor. Brad's complaint also alleged there were references to his service dog as a pet.

#### *Results*

To settle the matter, the complainant wanted an apology, changes that would ensure that this would not happen again to anyone else, and some financial support for important institutions related to the visually impaired. It was agreed that the hotel would consult with the Commission to develop appropriate policies, practices, and training related to the treatment of the visually impaired and their service animals. Furthermore, the hotel made donations to the Canadian National Institute for the Blind (CNIB) and to the guide dog training school that provided Brad with his dog.

## The Resolution Roadmap

The SHRC's new resolution model\* focuses on early mediation.

1. When the SHRC agrees to explore resolution, there has been no determination that any wrong doing has occurred. Once the complaint has been formalized a copy is served on the respondent. The respondent knows about the complaint, but likely nothing more than the information that was contained in the complaint. Both the complainant and the respondent are required to communicate with the Commission, respond in a timely manner, and supply documents as requested by the Commission.

2. In most cases the parties are required to mediate the complaint. The Commission's mediator does not advocate for one party over another, and does not make a decision as to whether the *Code* was violated. What is said at the mediation, leading up to resolution, is "without prejudice" and is not recorded by the Commission for future use in investigation. The parties are free to speak their minds.

1. Complaint is formalized <b>45</b> days	2. Mediation between the parties <b>90</b> days	3. Investigation and document submission <b>180</b> days
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3. Complaints that are not resolved in mediation are then investigated. Complainants and respondents are required to supply further documentation, including names of potential witnesses. After the investigator has reviewed all relevant documentation and has spoken with witnesses, the investigator writes a disclosure report. Both parties will then have access to the full positions of the complainant and the respondent, what witnesses have said about the complaint, and what the documents suggest.

\* This summary presents only a brief overview of the resolution process and may not be applicable in all situations.

4. The Chief Commissioner will review the complaint once all parties have responded to the disclosure report. Based on the review, the Chief Commissioner may decide that the complaint be dismissed or that it will proceed to hearing at the Court of Queen's Bench. Dismissals generally occur because the evidence gathered does not support the allegations of discrimination. When an order to proceed to a hearing is made, it means that the Commission believes there is enough evidence to suggest that, on balance, it is more likely than not that the allegations made in the complaint are true, and that those allegations reflect discriminatory behaviour that requires an order of compensation. A trial must be held.

4.  
Review by  
the Chief  
Commissioner  
60 days

Directed  
Mediation  
45 days

6.  
Hearing  
at the Court of  
Queen's Bench  
90 days

5. In most cases, and before a hearing takes place, the parties will be directed to engage in one further mediation attempt. In directed mediation, the respondent is asked to provide a final offer of resolution. If the offer made is reasonable in the determination of the Commission, and if it is not accepted by the complainant, the Chief Commissioner may dismiss the complaint. Where a reasonable offer is not made, the matter will proceed to trial, as directed by the Chief Commissioner.

6. If directed mediation fails, the complaint is usually referred to the Court of Queen's Bench for a hearing. The matter may be deferred if there is a grievance, civil action, or if there is another process that deals with the same complaint. The trial itself will be conducted by the Commission's lawyer (there is no cost to the complainant). A trial will likely take no more than two or three days to complete. Approximately 1-2% of all complaints are expected to proceed to trial.

## Focus On Mediation

### A pre-complaint mediation helps a newcomer and his family.

At the end of October last year, Ben (not his real name), a newcomer to Canada, went to a Saskatoon bank to pay his utility bills. At the bank he was informed that he needed to have an account with a particular bank in order to pay his bills.

While walking from this bank, and on his way to the branch of a bank where he did have an account, Ben was stopped by police and asked to identify himself. He was then asked to get into the police car, and was informed of his rights. When asked if he had any history with the police, he indicated that he had none.

*All parties felt  
that it was  
helpful to discuss  
this situation*

Ben was allowed to call his family, and make them aware of what was happening, while the police officer requested back-up assistance. His wife and daughter came to meet him.

The police officer informed Ben that he was being detained because they were investigating a fraud complaint at his bank. He was then escorted to the bank, between two police officers while his wife and daughter followed.

After consultation between the officers and the bank official, an officer let Ben know that he was mistaken for the actual suspect. His identity card was handed back, and he was told not to feel bad, that they were just trying to do their work. At the time, Ben asked the officers whether they understood how they made him feel, and commented on how humiliated and embarrassed he felt about this.

In mediation, Ben said that he had felt particularly embarrassed when he was detained because his young daughter was present, and that she would be left with this impression of what happened. Ben said that it was his dream to come to Canada, and that he wanted to be able to walk past the bank building, on his way to work, without a sense of dread.

Police officers that attended the mediation acknowledged that they are required to detain an individual if that person appears to have identifying features that are similar to the individual of concern, and are within a close proximity of the incident. The two officers expressed appreciation for Ben's cooperation during their investigation. They also acknowledged that the police service is working on educational videos, in many languages, to help newcomers better understand policing services.

As a newcomer, Ben was also concerned that this interaction might affect him in other ways. The police officers were able to assure Ben that this would not appear on any records, clearance or border checks.

During the mediation, bank staff said that they now fully understood the impact of being incorrectly identified. As a result, the bank is increasing the frequency of their teller education, and emphasizing how to deal with identity questions and how to reduce the risk of a false identification. As well, they are even more aware of how misidentification can affect an individual.

Through the mediation process, both police and bank representatives expressed an empathetic understanding about the impact of this experience on Ben and his family. All parties felt that it was helpful to discuss this situation, were satisfied with the process and the outcomes, and agreed that the Commission could close this file.



SHRC Community Engagement Consultant Heather Monus (right) speaking with an attendee at the United Nations International Day of Persons with Disabilities event at the Core Ritchie Community Centre, December 3, 2012.

## Pillar 3 - Systemic Advocacy

Improving situations for groups of people affected by discrimination requires collaboration and increases efficiency.

Since the Commission's inception nearly forty years ago, human rights complaints have typically involved a singular complainant and respondent. This two-parties-to-discrimination dynamic comprises almost all of the complaints that are filed each year (see the *Resolution Roadmap*, page 13).

At the same time, a single instance of discrimination often reflects a similar experience for individuals who are not directly involved in a particular complaint. That is, most issues are not unique to an individual case. For example, disability-related employment accommodation issues, and pregnancy-related employment termination, occur almost every year.

**Systemic  
advocacy is about  
finding  
appropriate  
resolution.**

An established business practice for most human rights commissions in Canada, when groups of people face the same or similar issue, is to address patterns of concerns systemically. Systemic advocacy addresses discrimination that is known to, or has the potential to, affect groups of people based on protected grounds.

*The Saskatchewan Human Rights Code* allows the Commission to address important human rights issues for groups of people other than through individual complaint processes, traditional public education, or equity programs.

Systemic advocacy is, therefore, a rights based approach to addressing discrimination that can address the concerns of a "class," or classes, of individuals to which a single complainant might belong.

Section 25 (h) of *The Saskatchewan Human Rights Code* requires the Commission to work systemically to:

"promote and pursue measures to prevent and address systemic patterns of discrimination."

When the Commission considers using a systemic advocacy strategy to address an issue, it is in accordance with the *Code*. Put another way, this process should pertain to a current law, policy or practice which in some manner systemically infringes upon human rights protected under the *Code*.

Systemic advocacy requests may originate in a variety of ways including, but not limited to, individual complaints, a group complaint, or a complaint put forward based on recommendations by Commission staff. For the most part, the Commission either has unique expertise to offer or is in a position to make a unique contribution to an issue.

Systemic advocacy is also about finding appropriate resolution. In some cases, systemic advocacy might be achieved through litigation (Pillar 1) or mediation (Pillar 2). In other cases there are opportunities to work proactively and incrementally to achieve resolution. The Commission may choose, for example, to facilitate input from stakeholders, organizations, experts, and the general public. By working in this manner, rather than through individual complaints, it is hoped that lives of larger cohorts

of individuals, who are affected by the same or similar issues, will be improved.

Recognizing that change often requires time, the Commission acknowledges that outcomes can also become apparent over time. In this way solutions are "living" outcomes which may need to evolve over time.



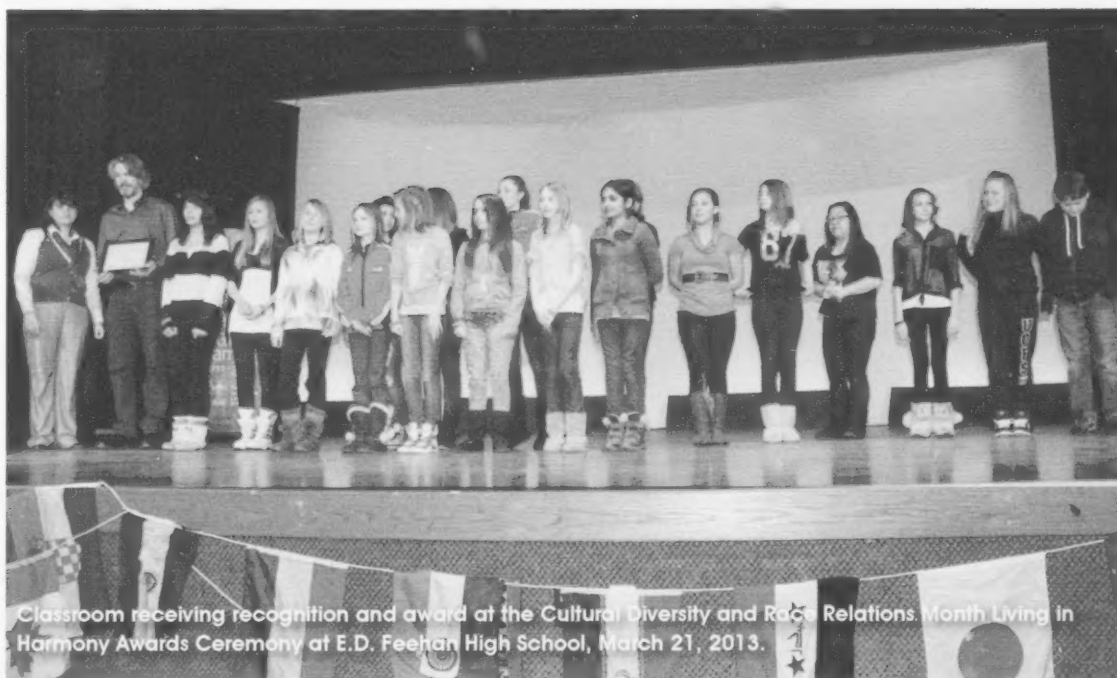
#### ADDRESSING ACCESSIBLE TRANSIT ISSUES FOR PEOPLE WITH DISABILITIES

As a response to inquiries from people with disabilities living in the City of Regina, the Commission organized several informal coffee houses for pay/public transportation service users in this group. At those events, transit users expressed concern with public transit (e.g., bus), accessible-for-hire transportation (e.g., taxi), and shared-ride/door-to-door bus transportation (paratransit).

While the needs of the people who spoke to the Commission were, for the most part, related to the use of wheelchairs, mobility aids, and service animals, the Commission also heard from transit users with visual and hearing-related impairments. In general, concerns were related to the availability, safety, and responsiveness of accessible public transportation.

It was made clear to the Commission that accessible transportation enables people with disabilities to go to work, socialize, and engage in all of the opportunities in their community. The effectiveness of public and pay transportation for people with disabilities, however, is also determined by the responsiveness of the service. For the general public, published transportation schedules for buses, or licensing requirements for taxis, define both the availability and timeliness of the particular service. Ready access to public transportation is an important accommodation.

Using our systemic advocacy capacity, the Commission has committed to working with stakeholder groups to resolve concerns with accessible transportation in the City of Regina. The leadership of the stakeholder groups involved with organizing the coffee houses, and the organizers behind the local celebration of the International Day of Persons with Disabilities, and representatives of the City of Regina, have agreed to work together. To date, there have been several positive developments, including training for all paratransit operators and increased attention to snow removal at access hotspots.



Classroom receiving recognition and award at the Cultural Diversity and Race Relations Month Living in Harmony Awards Ceremony at E.D. Feehan High School, March 21, 2013.

## Pillar 4 - Public Education

Giving students and teachers the resource materials they need to learn and teach about the responsibilities of our citizenship.

The Saskatchewan Human Rights Commission has had the dual responsibilities of administering Saskatchewan's anti-discrimination laws and promoting the principle of equality through public education for nearly 40 years. The Commission is now putting additional emphasis on its public education mandate through citizenship education.

Globally, human rights violations are reported almost daily and often they are of horrific magnitude mostly unimaginable to the Canadian population who live in relatively safe and secure conditions. Canada's general socioeconomic well-being and Saskatchewan's strong economy might contribute to complacency and a belief that the comparative peace we have now will continue, indefinitely, and without personal effort to ensure democratic processes are upheld.

Researchers have found that this kind of apathy is manifested in a general reluctance to participate

in civic activities as noted by: declining participation in elections, particularly among young voters; alienation; values deficits; and widespread civic, historic and cultural ignorance.

Research, both nationally and internationally, supports the requirement for broad-based civics/citizenship education. This research indicates that educational discourse must shift its 'rights' focus to also include 'responsibilities' and 'respect.'

The Commission believes that there is a growing urgency to explain the responsibility that every individual has to other citizens, to the community, to the province, and to the country. In partnership with the Ministry of Education, the Commission has focused its efforts on the creation of resources, from Pre-K to Grade 12, that will provide citizenship education materials, focused on "Rights, Responsibilities, and Respect," that will fit within the existing curriculum.

When implemented, the new resources will introduce important citizenship concepts early within the school system. Each year a student's understanding of these concepts will increase incrementally through the use of grade-level appropriate resource materials that support the existing curriculum.

The objective of the project is to improve the understanding of what it means to be a Canadian citizen. The outcome will be Grade 12 graduates, 18-year-old voting citizens, who have functional knowledge and understanding of the rights and responsibilities of Canadian citizenship, with a respect for the rights of others, and a fundamental commitment to the duty to make the world a better place.

*The SHRC's  
partnership with  
the Ministries  
of Justice and  
Education in the  
citizenship project  
is unique within  
Canada.*

The Citizenship Education Program seeks to build:

- Engaged citizens who question, critically examine, advocate, respect others, and defend responsibilities and democratic rights, as appropriate, at local, regional, provincial, national, and global levels. This area of citizenship study encourages understanding of responsibilities to address issues with associated actions.
- Citizens with a strong sense of self, community and place, who value

and demonstrate a commitment to understanding these concepts as citizens, and who explore citizenship rights and responsibilities inherent in these relationships on a local, regional, provincial, national and global level. This area of citizenship study expects that students will act on issues studied.

- Lifelong learning citizens who continuously strive to understand the dynamics of change in society and also critically seek new information to make reasoned and unbiased decisions. This area of citizenship study develops skills, attitudes and knowledge and is the basis for respectful interaction.

There has been strong interest in this initiative from educational stakeholders such as:

- the Saskatchewan Teachers' Federation;
- the Saskatchewan School Boards Association;
- the League of Educational Administrators, Directors and Superintendents;
- the University of Saskatchewan;
- the University of Regina; and
- the Federation of Saskatchewan Indian Nations.

Thanks to the support of these stakeholders and educational experts, including practicing teachers who have been engaged in program design through advisory committees, we have been able to make significant progress on Pillar 4. The success that has been achieved to date would also not be possible without the support of the provincial government. The SHRC's partnership with the Ministries of Justice and Education in the citizenship project is unique within Canada.



## Community Engagement

Proactively assisting employers, organizations, and community groups understand the importance of respect.

### EMPLOYER OUTREACH

Employer outreach and connection to the private sector was fostered through workshop education. Workshops were directed through post complaint agreements or provided in a preventative capacity.

Demand for information on diversity and accommodation increased as employers recognized the challenges of an increasingly diverse workforce. Immigration to our province has meant new religious practices and cultural customs have come to bear on the Saskatchewan workplace.

Commission staff worked with human resource professionals within the private sector to develop initiatives that allow employers to educate their staff directly on workplace rights and responsibilities. Outreach extended to the construction industry, manufacturing sector, interior designers, and the service industry.

### EMPLOYMENT EQUITY

Systemic equity initiatives in employment, education, and public services align the anti-discrimination goals of the *Code*. Equity partners have expanded to include 18 school divisions, 12 post secondary institutions, and 40 employers across Saskatchewan.

Interest in these initiatives continues with more partnerships in development. These programs affect roughly half of all students in the provincial system as well as executive government employees, Crown Investments Corporation workplaces, nonprofit community based organizations, and for profit private sector companies.

With Commission support, these sponsors implement targeted strategies that promote harmony in Saskatchewan workplaces, schools, and public services.

### SEMINAR SERIES

The Commission held a multi-part seminar series in Saskatoon and Regina on workplace rights and responsibilities, preventing discrimination, and diversity. Participants reviewed basic concepts in human rights law. Current human rights case examples in a workplace and/or public service were incorporated to illustrate the application of these principles. Rights and responsibilities were discussed including creating a respectful workplace, the duty to accommodate, and preventing discrimination in hiring.

Prevention Strategies and effective policies and practices were discussed. Topics include invisible and emerging disability accommodation, transgender rights, mental illness, pregnancy parenting and the workplace, religious accommodation, and drug and alcohol testing.

*Workshops,  
presentations, and  
community events  
reached 1837  
people across  
Saskatchewan in  
2012-2013.*

### HOUSING AND SAFETY

A partnership with the Saskatoon Police Service connected the Commission's mandate of discrimination free housing to the rental community in Saskatoon.

Landlords and tenants in the Crime Free Multi-Housing program are introduced to resources on public safety and discrimination free rental accommodations. This partnership has resulted in reduced calls for information, improved communication with the rental stakeholders, and improved relationships with property owners,

managers, and residents for the purposes of discrimination prevention. Currently, over 300 apartments participate in the Crime Free Multi-Housing program.

### ANTI-RACISM PARTNERSHIPS

The Commission was proud to partner with community organizations to commemorate the United Nations International Day for the Elimination of Racial Discrimination. The 'March 21st Campaign' is a Regina effort to build understanding and to engage the community in becoming more aware of racism. This year the committee hosted a panel on race and equity that captured how racism has affected local residents who then discussed ideas on what we can do to end discrimination.

### WOMEN TAKING ON HIV/AIDS

International Women's Day, March 8, marked an opportunity to remember the continuing struggle for women and, also, how they are a powerful force for positive change. Efforts highlighted the leadership and work of women regarding HIV/AIDS.

A public event was held to raise awareness that HIV/AIDS continues to devastate vulnerable populations locally and globally. SASA!, a 30 minute documentary was followed by a speaker from Aids Program South Saskatchewan addressing the topic in the local context. Discussions followed on efforts of women to mitigate the suffering and spread of HIV/AIDS.

### ABORIGINAL WOMEN

Together the Saskatchewan Human Rights Commission, the Federation of Saskatchewan Indian Nations (FSIN), and the Métis Nation of Saskatchewan (MN-S) called on the Federal Government to create an action plan to prevent violence against Aboriginal women and girls. Aboriginal women and girls disproportionately experience violence. Statistics Canada reported that, in 2011, Aboriginal women were two and a half times more likely to be the victims of spousal violence when compared to non-Aboriginal women.

## By the Numbers

The year *The Saskatchewan Human Rights Code* was changed to permit systemic advocacy and promote mediation.



2011

Number of files settled by mediation.



58

Increase in use of mediation in the last year.



123%

Files concluded in 2012/2013.



274

Percentage increase in files closed compared to previous year.



28%

Decrease in complaints carried forward into the next fiscal year.



7%

Average time a complaint is in mediation (in months).



7.75

Percentage decrease in time for mediation (on average).



31%

## Appendix A: Equity Sponsors

21

**EMPLOYERS**

Canadian Union of Public Employees  
 City of Prince Albert  
 City of Regina  
 City of Saskatoon  
 Community Health Services (Saskatoon) Association Ltd.  
 Crown Investments Corporation  
 Information Services Corporation of Saskatchewan  
 John Howard Society of Saskatchewan  
 Law Society of Saskatchewan  
 MicroAge Regina  
 Northlands College  
 Parkland Regional College  
 Prince Albert Co-operative Health Centre  
 Regina Police Service  
 Regina Public School Division  
 Regina Women's Community Centre  
 Saskatchewan Apprenticeship and Trade Certification Commission  
 Saskatchewan Communications Network  
 Saskatchewan Crop Insurance Corporation  
 Saskatchewan Gaming Corporation  
 Saskatchewan Government Employees Union  
 Saskatchewan Government Insurance  
 Saskatchewan Human Rights Commission  
 Saskatchewan Institute of Applied Science & Technology (SIAST)  
 Saskatchewan Legal Aid Commission  
 Saskatchewan Liquor and Gaming Authority  
 Saskatchewan Opportunities Corporation  
 Saskatchewan Public Service Commission  
 Saskatchewan Research Council  
 Saskatchewan Teachers' Federation  
 Saskatchewan Transportation Company  
 Saskatchewan Water Corporation  
 Saskatchewan Watershed Authority  
 Saskatchewan Workers' Compensation Board  
 Saskatoon Police Service  
 SaskEnergy  
 SaskPower  
 SaskTel  
 University of Regina  
 University of Saskatchewan

**DATE APPROVED**

July 1989  
 May 1997  
 February 1987  
 February 1987  
 June 1996  
 March 1995  
 November 2004  
 June 1996  
 November 1999  
 March 2009  
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 August 1995  
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 October 1997  
 September 1992

**PRE-KINDERGARTEN TO GRADE 12 SCHOOL DIVISIONS**

Good Spirit	Lloydminster RCSSD	Saskatchewan Rivers
Greater Saskatoon Catholic Schools	North West RCSSD	Saskatoon
Holy Trinity RCSSD	Northern Lights	South East Cornerstone
Horizon	Prairie Valley	
Île-à-la-Croix	Prince Albert RCSSD	
Living Sky	Regina RCSSD	

(Approval dates are not given in this section as the boundaries of many school divisions have been changed by the process of amalgamation.)

Saskatchewan Human Rights Commission

Table 1: Summary of Complaints Received April 2, 2012 to March 31, 2013  
by Ground and Category

22

Total number of  
new complaints in  
2012/2013 was:

259

CATEGORY	Age	Aboriginal Ancestry	Other Ancestry <sup>1</sup>	Marital Status	Mental Disability	Physical Disability	Religion <sup>2</sup>	Sexual Harassment	Sex / Gender / Other	Sex / Pregnancy	Family Status	Sexual Orientation	Public Assistance	N/A / Drug Test	Retaliation	Total Grounds	Grounds Cited
Contracts	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.3%
Education	0	0	1	0	0	6	0	0	1	0	1	0	0	0	0	9	3.0%
Employment	16	7	29	1	8	95	7	18	5	20	8	2	1	9	1	227	74.4%
Housing	0	1	1	0	1	3	0	1	1	0	4	0	2	1	0	15	4.9%
Public Services	2	1	7	0	0	14	3	0	0	1	1	0	3	3	0	35	11.5%
Purchase of Property	1	0	0	0	0	0	0	0	0	0	0	1	1	0	0	3	1.0%
N/A	2	1	0	0	0	1	1	0	0	0	0	0	0	10	0	15	4.9%
<b>TOTAL GROUNDS</b>	21	10	38	2	9	119	11	19	7	21	14	3	7	23	1	305	100%
% Grounds Cited	6.9%	3.3%	12.5%	0.7%	3.0%	39.0%	3.6%	6.2%	2.3%	6.9%	4.6%	1.0%	2.3%	7.5%	0.3%		
% Total Complaints	8.1%	3.9%	14.7%	0.8%	3.5%	45.9%	4.2%	7.3%	2.7%	8.1%	5.4%	1.2%	2.7%	8.9%	0.4%		

NOTE: Some complaints allege several kinds of discrimination. For this reason, the total number of grounds cited (305) exceeds the total number of complaints filed.

<sup>1</sup> Other Ancestry includes colour, nationality, place of origin and perceived race.

<sup>2</sup> Religion includes creed.

# Saskatchewan Human Rights Commission

TABLE 2: Files Opened and Closed

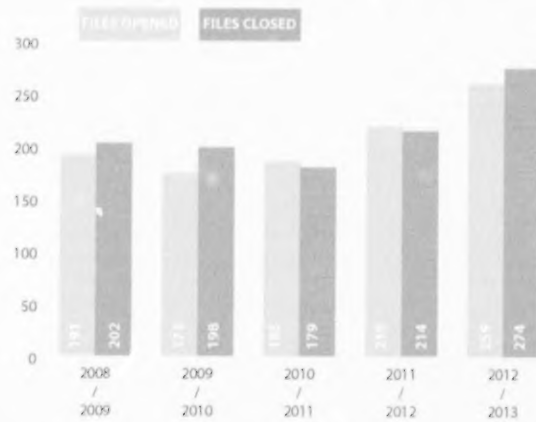


TABLE 3: Processing of Complaints

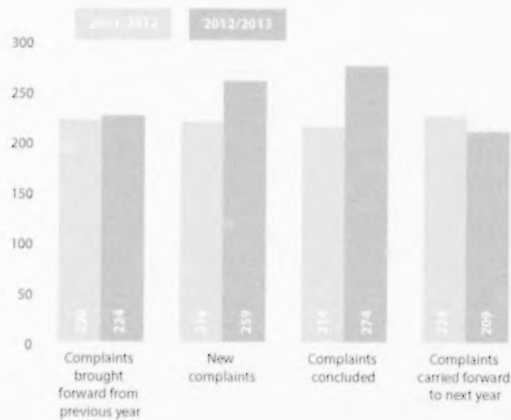


TABLE 4: Disposition of Complaint Files

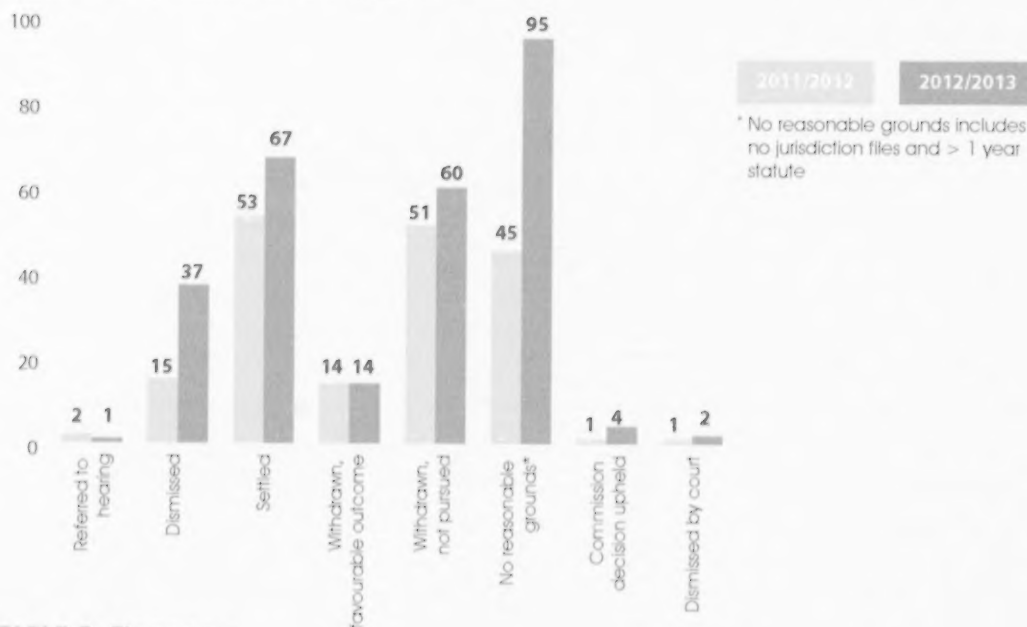


TABLE 5: Finances

In 2012-2013, the Commission had an approved budget of \$2,045,000.

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Salaries, Benefits and Honouraria	\$1,564,000	\$1,635,000	\$1,700,000	\$1,793,000	\$1,857,000
Operating	\$133,000	\$134,000	\$134,000	\$372,000 <sup>1</sup>	\$188,000
Total	\$1,697,000	\$1,769,000	\$1,834,000	\$2,165,000	\$2,045,000

<sup>1</sup> The 2011-12 budget included a sum of \$120,000 designated exclusively for the citizenship education project.

## Commission Staff

The 2012-2013 Commission staff include individuals working on full-time, part-time, casual and temporary bases.

### Saskatoon

Laurie Adrian Rude – Investigator  
Julian Bodnar – Mediator/Investigator  
Lewanna Dubray – Investigator  
Norma Gunningham-Kapphahn –  
Director of Resolution  
Dianne Jones – Legal Secretary  
David Katzman – Mediator  
Shawna Kay – Reception Secretary  
Ryan Kennedy – Secretary  
Andrew Livingston – Investigator  
Marci Macomber\* – Investigator  
Karen Materi – Commission Secretary  
Robin Mowat – Intake Consultant  
Scott Newell – Senior Staff Lawyer  
Carol Riekman – Mediator  
Brenda Rorke – Manager of Human Resources  
Darrell Seib – Public Relations & Media Specialist  
Ken Truong – Intake Consultant  
Connie Windecker – Reception Secretary  
\* On leave

### Regina

Holly Bressler – Mediator  
Sue Lake – Manager of Finance and Administration  
Rebecca McLellan – Executive Director  
Robin McMillan\* – Mediator  
Heather Monus – Community Engagement Consultant  
Reginald Newkirk – Investigator  
Julie Powell – Investigator/Facilitator  
Jennifer Sigurdson – Intake Consultant  
\* On leave



Photographic Images:

1. Commissioner Nasel Malik, Mayor Don Atchison, and Treaty Commissioner George Lafond at the declaration of Cultural Diversity and Race Relations Month, Saskatoon, March 1, 2013.
2. Ms. Monica Goulet, Commissioner Jan Gillin, Chief Commissioner David Arnot, and Ms. Val Ainauli-Pelletier at the Saskatoon Police Service event commemorating the International Day for the Elimination of Racial Discrimination, March 20, 2013.
3. Shawn Fraser, Joe Aquash and Cherish Degan, panelists at the Racism at Home event marking the International Day for the Elimination of Racial Discrimination, March 21, 2013.
4. SHRC Community Engagement Consultant Heather Morus addressing the International Day for the Elimination of Racial Discrimination event in Regina, March 21, 2013.
5. Mr. Elie Fenyes speaking at the Raoul Wallenberg Day commemoration event at Holy Cross High School in Saskatoon, January 11, 2013.
6. © iStockphoto.com/franke63
7. © iStockphoto.com/Caboclin
8. Mr. James Komar (third from left), complainant in the hate speech case, with Chief Commissioner Arnot and SHRC staff in Saskatoon.
9. Chief Commissioner Arnot with SHRC staff in Regina.

